

Introduced by Senator Brulte

February 13, 2003

An act to amend Section 5005 of, and to add Section 5005.5 to, the Penal Code, relating to prisoners, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 206, as introduced, Brulte. Inmates: canteens.

Existing law authorizes the Department of Corrections to maintain canteens at its facilities, as specified.

This bill would require the department to establish a pilot program at Pelican Bay State Prison to replace the Inmate Quarterly Package Program with an expanded inmate canteen program.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5005 of the Penal Code is amended to
2 read:
3 5005. (a) The department may maintain a canteen at any
4 prison or institution under its jurisdiction for the sale to persons
5 confined therein of toilet articles, candy, tobacco products,
6 notions, and other sundries, and may provide the necessary
7 facilities, equipment, personnel, and merchandise for the canteen.
8 The director shall specify what commodities shall be sold in the
9 canteen. The sale prices of the articles offered for sale shall be



1 fixed by the director at the amounts that will, as far as possible,
2 render each canteen self-supporting. The department may
3 undertake to insure against damage or loss of canteen and
4 handicraft materials, supplies and equipment owned by the Inmate
5 Welfare Fund of the Department of Corrections as provided in
6 Section 5006.

7 *(b) In the event the Inmate Quarterly Package Program is*
8 *discontinued at an institution, the department may expand the*
9 *inmate canteen to include a commercial selection of each of the*
10 *items currently authorized in the inmate quarterly packages or*
11 *establish a procedure by which those items can be procured in a*
12 *timely manner, or both, to eliminate the need to have a large*
13 *amount of stock on hand.*

14 *(c) The canteen operations at any prison or institution referred*
15 *to in this section shall be audited biennially by the Department of*
16 *Finance, and at the end of each intervening fiscal year, each prison*
17 *or institution shall prepare a statement of operations. At least one*
18 *copy of any audit report or statement of operations shall be posted*
19 *at the canteen and at least one copy shall be available to inmates*
20 *at the library of each prison or institution.*

21 SEC. 2. Section 5005.5 is added to the Penal Code, to read:

22 5005.5. (a) The Department of Corrections shall establish a
23 pilot program at the Pelican Bay State Prison to eliminate the
24 Inmate Quarterly Package Program and to replace it with an
25 expanded inmate canteen program.

26 (b) The pilot project shall commence January 1, 2004, and
27 terminate on January 1, 2006.

28 (c) The department shall prepare an interim report for the
29 Legislature due no later than July 1, 2004. The interim report shall
30 report adjustments to the program. A preliminary report to the
31 Legislature shall be due not later than the January 1, 2006, and a
32 final report to the Legislature shall be due not later than July 1,
33 2006. The final report shall describe the pilot program, and shall
34 include, at a minimum, a review of the following:

35 (1) The cost of the program.

36 (2) A comparison of narcotics seizures in the institution before
37 and after implementation of the program.

38 (3) The impact of the program on the inmates in the institution.



1 (4) A recommendation regarding the advisability of a system
2 wide expansion of the program, or whether the program should be
3 eliminated, and a justification for the recommendation.

4 (d) The department shall expand the inmate canteen to include
5 a commercial selection of each of the items authorized at the time
6 of enactment of these provisions for inclusion in the inmate
7 quarterly packages, or establish a procedure by which those items
8 can be procured in a timely manner to eliminate the need to have
9 a large amount of stock on hand, or both.

10 (e) The department shall establish a procedure by which those
11 persons currently authorized to send packages to an inmate may
12 instead send funds earmarked to purchase specifically identified
13 canteen items.

14 (f) The department shall establish a schedule to allow inmates
15 to purchase these additional items for the canteen. The schedule
16 shall provide, at a minimum, the same level of incentive currently
17 provided by the quarterly package program under the
18 work/training program.

19 (g) Procurement of canteen items, pricing, and disposition of
20 funds generated by this section shall conform to the provisions of
21 Sections 5005 and 5006.

22 (h) Nothing in this section shall be construed to limit any rights
23 guaranteed to inmates pursuant to Section 2601.

24 SEC. 3. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety
26 within the meaning of Article IV of the Constitution and shall go
27 into immediate effect. The facts constituting the necessity are:

28 In order to deter violence and drug abuse by some of the most
29 serious offenders in the state prison system, and to neutralize a
30 major threat to the security of the institutions and the officers and
31 staff who work there, the flow of narcotics into the institution from
32 the outside must be stopped, and therefore, it is necessary that this
33 act take effect immediately.

